

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. Bank Trust, N.A., as Trustee for
LSRMF MH Master Participation Trust II

Plaintiff

vs.

Troy Scott Murch, Jr., aka Troy Murch

Defendant

State of Maine Revenue Services
Maine Department of Health and Human
Services (DHHS)

Party-In-Interest

CIVIL ACTION NO: 2:22-cv-00083-JDL

JUDGMENT OF FORECLOSURE AND
SALE

RE:

157 Ralph Richardson Road, Norway, ME
04268

Mortgage:

August 15, 2008

Book 4340, Page 3

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
RECEIVED & FILED
2023 OCT 18 P 52
DEPUTY CLERK

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on May 16, 2023. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II, was present and represented by Reneau J. Longoria, Esq. Defendant, Troy Scott Murch, Jr., aka Troy Murch, did not appear; Party-In-Interest, State of Maine Revenue Services did not appear and has been defaulted; and Party-In-Interest, Maine Department of Health and Human Services (DHHS) filed an answer and does not oppose foreclosure and did not appear for trial.

U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II is a national association, with its principal place of business and main office is in the City of Wilmington, County of New Castle and State of Delaware, as set forth in Exhibit 1, Second paragraph of its Articles of Association. Defendant, Troy Scott Murch, Jr. aka Troy Murch is a resident of the Town of Harrison, County of Cumberland, in the State of Maine. The amount in controversy well exceeds

the jurisdictional threshold of seventy-five thousand (\$75,000.00) dollars, citizenship of the parties is diverse, and jurisdiction is proper.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.

JUDGMENT on Count I - Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II ("U.S. Bank") the amount adjudged due and owing (\$328,159.80) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$127,228.60
Interest	\$122,001.35
Escrow Advance	\$59,812.76
Suspense Balance	\$-10.98
Recoverable Corporate Advance Balance	\$19,128.07
Grand Total	\$328,159.80

2. If the Defendant or his/her heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$328,159.80) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the Norway Property shall terminate, and U.S. Bank shall conduct a public sale of the Norway Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$328,159.80 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 6 of this Judgment, and in accordance

with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency.

3. In the event that the Defendant, and anyone occupying the premises, do not vacate the property upon termination of his/her right to possession, U.S. Bank may reopen this matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.
4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
5. The amount due and owing is \$328,159.80 and the mortgage loan is in default, as a result of the Defendant, Troy Scott Murch, Jr., aka Troy Murch, having failed to comply with the terms of the Note, the object of this litigation, is in breach of both the Note and Mortgage.
6. The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSRMF MHI Master Participation Trust II has first priority, in the amount of \$316,647.63, pursuant to the subject Note and Mortgage.
 - State of Maine Revenue Services, has been defaulted, has the second priority behind the Plaintiff pursuant to a State Tax Lien, dated July 7, 2015, in the amount of \$4,333.72, and recorded in the Oxford County Registry of Deeds in Book 5231, Page 612.
 - Maine Department of Health and Human Services has the third priority behind the Plaintiff pursuant to a lien dated February 4, 2016, in the amount of \$17,387.72,

and recorded in the Oxford County Registry of Deeds in Book 5269, Page 354, and a pursuant to a lien March 8, 2021, in the amount of \$26,627.84, and recorded in the Oxford County Registry of Deeds in Book 5592, Page 498, and as reflected in the Answer filed at ECF 83, the total due as of April 8, 2022 is \$32,394.64.

- Troy Scott Murch, Jr., aka Troy Murch has the fourth priority behind the Plaintiff.


7. The prejudgment interest rate is 7.50000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 5.43%, *see* 28 U.S.C § 1961.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II c/o Fay Servicing, LLC 425 S. Financial Place, Ste.2000 Chicago, IL 60605	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Troy Scott Murch, Jr., aka Troy Murch 121 Bolsters Mill Road Harrison, ME 04040	Pro Se
PARTIES-IN-INTEREST	Maine Department of Health and Human Services (DHHS) 109 Capitol Street Augusta, ME 04333	Jennifer Huston, Esq. Office of the Attorney General 125 Presumpscot Street, Ste.26 Portland, ME 04103
	Maine Revenue Services c/o Office of the Attorney Gen. 6 State House Station Augusta, ME 04333	Pro Se

- a) The docket number of this case is No. 2:22-cv-00083-JDL.

- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 157 Ralph Richardson Road, Norway, ME 04268, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 157 Ralph Richardson Road, Norway, ME 04268. The Mortgage was executed by the Defendant, Troy Scott Murch, Jr., aka Troy Murch on August 15, 2008. The book and page number of the Mortgage in the Oxford County Registry of Deeds is Book 4340, Page 3.
- e) The Defendant, Troy Scott Murch, Jr., aka Troy Murch, having failed to comply with the terms of the Note, the object of this litigation, is in breach of both the Note and Mortgage.
- f) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 157 Ralph Richardson Road, Norway, ME 04268.

SO ORDERED

DATED THIS 18th DAY OF October, 2023, 
U.S. DISTRICT JUDGE